

REMARKS

STATUS OF THE CLAIMS

Claims 1-14 and 16-19 are pending. Claims 1, 8, 14, and 17 are independent. Claims 15, and 20-29 have been canceled. In the pending Office Action, claims 1-14 and 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pillar (U.S. Patent No. 6,553,290; "Pillar") in view of Rother (U.S. Patent No. 6,141,608; "Rother").

REJECTION UNDER 35 U.S.C. § 103(a)

Applicants respectfully submit that the § 103(a) rejection of claims 1-14 and 16-19 should be withdrawn because it fails to establish a prima facie case of obviousness. In particular, neither Pillar, nor Rother, nor any other source discloses or suggests a method for analyzing machine data, including, among other things, defining a testing procedure "~~wherein defining the testing procedure includes conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process,~~" as recited in claim 1, or an "~~analyzer . . . configurable to execute at least one diagnostic process automatically based on the results of at least one other diagnostic process,~~" as recited in claim 8. The Office Action acknowledges that Pillar does not teach this feature. Office Action at 9. The Office Action alleges, however, that Rother teaches such a feature and that, in view of Rother, it would have been obvious to configure Pillar in such a manner. Office Action at 9-10.

In support of this allegation, the Office Action cites Rother, column 1, lines 45-51. Office Action at 10. However, this portion of Rother discusses a system which "may provide the user with automatic test sequences that systematically test the vehicle in a particular order." Emphasis added. That is, this system is provided to the user with

these sequences predetermined to occur automatically in a particular order. In contrast, present claim 1 specifies a method step of defining a testing procedure including ~~"conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process,"~~ and present claim 8 specifies "an analyzer configured to accept a procedure selected by an owner . . . wherein the analyzer is configurable to execute at least one diagnostic process automatically based on the results of at least one other diagnostic process." In other words, in the embodiment defined in claims 1 and 8, the user selects from a number of inputs to configure the process to occur in a particular sequence, as opposed to the system discussed in col. 1, lines 45-51 of Rother, which is provided to the user with the sequence already predetermined.

Moreover, the system of Rother is ~~predetermined to perform the tests in a particular sequence~~, whereas claim 1 specifies "conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process," and claim 8 specifies an "analyzer is configurable to execute at least one diagnostic process automatically based on the results of at least one other diagnostic process." Emphasis added. Rother does not disclose or suggest that any of the ~~automatically sequenced tests mentioned therein are carried out based on the results of~~ any previous test.

For at least the foregoing reasons, the combination of Pillar and Rother fails to disclose or suggest every recitation of independent claims 1 and 8. Therefore, at least one essential criteria for establishing a prima facie case of obviousness is lacking with

respect to these claims. Accordingly, the § 103(a) rejection of claims 1 and 8 should be withdrawn.

In addition, there is no motivation, suggestion, or teaching to modify the system of Pillar to include the features of Rother in the manner suggested in the Office Action with regard to claims 1 and 8. The system discussed in column 1, lines 45-51 of Rother, cited in the Office Action, is disclosed as part of the "Background of the Invention" section of the patent and, in fact, teaches away from using such a system. Specifically, column 1, lines 51-55, points out shortcomings of the system discussed in column 1, lines 45-51. Rother actually discusses such a system as one of several examples of a "number of different types of diagnostic tools [that] have been heretofore used to assist in diagnosis and repair of fault conditions in automotive vehicles." Col. 1, lines 22-24. The "Background" section not only describes these examples, but also explains the disadvantages of each example. Therefore, there is nothing in Rother that ~~would motivate one of ordinary skill in~~ the art to make use of the exemplary systems in the "Background" section. In fact, Rother actually dissuades one from utilizing such systems by pointing out the disadvantages of each.

Contrary to the allegations in the Office Action, it would not have been obvious to configure Pillar to operate in the manner disclosed by Rother because there is no motivation, suggestion, or teaching to combine the disclosures of these references in the manner suggested in the Office Action. Therefore, at least one essential criteria for establishing a prima facie case of obviousness is lacking with respect to these claims. Accordingly, for at least these reasons the § 103(a) rejection of claims 1 and 8 should be withdrawn.

With regard to claim 14, Applicant respectfully submits that neither Pillar, nor Rother, nor any other source discloses or suggests a method for analyzing machine data, including, among other things, defining a testing procedure

wherein said defining step includes . . . selecting at least one test to be associated with said machine data; defining at least one parameter associated with said at least one test; ~~defining at least two limits for the at least one parameter,~~ wherein machine data that exceeds at least one of the limits is considered a machine exception

as recited in claim 14, or a system for analyzing machine data, including, among other things an

owner input device . . . configured to accept owner input to: select at least one test to be associated with said machine data; define at least one parameter associated with said at least one test; define at least two limits for the at least one parameter, wherein machine data that exceeds at least one of the limits is considered a machine exception

as recited in claim 17. Emphasis added. The Office Action cites the chart spanning columns 8-10 of Pillar, and seems to allege that the "measurement range portion of [the] chart" meets the feature of defining at least two limits for the at least one parameter. Office Action at 5. What this chart shows, however, are exemplary acceptable measurement ranges for a number of parameters. The chart does not indicate multiple limits utilized simultaneously for any of the parameters. Nor does Pillar disclose an operator selecting or a system configured to accept owner input to select "at least two limits for the at least one parameter," as recited in claims 14 and 17.

In addition, Rother, cited only for an alleged teaching of conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process, does not cure the above noted deficiencies of Pillar with regard to claims 14 and 17.

For at least the foregoing reasons, the combination of Pillar and Rother fails to disclose or suggest every recitation of independent claims 14 and 17. Therefore, at least one essential criteria for establishing a prima facie case of obviousness is lacking with respect to these claims. Accordingly, the § 103(a) rejection of claims 14 and 17 should be withdrawn.

CONCLUSION

For the reasons stated above, each of independent claims 1, 8, 14, and 17, is allowable. Dependent claims 2-7, 9-13, 16, 18, and 19 each depend from one of claims 1, 8, 14, and 17 and are, therefore, allowable for at least the same reasons that the respective claims from which they depend are allowable. Additionally, these dependent claims include further limitations that distinguish from the prior art.

The Office Action contains characterizations and conclusions regarding the related art and Applicants' claims with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any such characterizations and conclusions.

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application, withdrawal of the § 103(a) rejection based on Pillar in view of Rother, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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